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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,627	02/05/2004	Robert G. DeMoor	TI-35545	5646
23494	7590	11/05/2007		
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265				
			EXAMINER QUIETT, CARRAMAH J	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 11/05/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com  
uspto@dlemail.itg.ti.com

<b>Office Action Summary</b>	Application No. 10/772,627	Applicant(s) DEMOOR, ROBERT G.	
	Examiner Carramah J. Quiett	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. The amendment(s), filed on 08/08/2007, have been entered and made of record. Claims 1-14 are pending.

### *Response to Arguments*

2. Applicant's arguments filed 08/08/2007 have been fully considered but they are not persuasive.

Applicant argues that an enclosed photocopy of the Disclosure in Texas Instruments' file TI-35545 (herein referred to as TI-35545 disclosure) indicates that the inventor DeMoor had conceived that invention prior to the Priority Date of the Ushu reference. The Examiner respectfully disagrees. The TI-35545 disclosure has a RECEIVED stamp as being OCT 29, 2002. The Ushu reference has a priority date as being 10.6.1994 and a publication date as being 22.12.1995. After examining the dates of the TI-35545 disclosure and the Ushu reference, it is very clear that Ushu's publication was conceived before the TI-35545 disclosure date. Respectfully, the years 1994 and 1995 occurred before the year 2002 or even the filing date (02/05/2004) of the present U.S. Patent Application (10/772,627). Accordingly, the Examiner maintains the 102 (b) rejections to claims 1-14.

### *Drawings*

3. The drawings were received on 08/08/2007. These drawings are *not* acceptable.
4. The drawings are objected to because in figure 2 a small portion ("user input") has been omitted. The Examiner suggests placing figure 2 on a separate page instead of the same page

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with figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

5. Claim 5 is objected to because of the following informalities: Claim 5 recites the limitation, "the first mode of operation" on page 6, lines 10-11 of the Claims. Examiner suggests omitting the term "first". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 1-3, 5-7, and 9-13** are rejected under 35 U.S.C. 102(b) as being anticipated by Usuha (JP 07-333710 A; an English translation has been provided with the present Office Action; herein referred to as Usuha).

For **claim 1**, Usuha discloses a digital camera (in drawing 1 and in the Example) comprising:

a processing unit (refs. 10-14), the processing unit including a memory unit (refs. 11-12), the memory unit storing a sequence of images (image data – page 2, [0015]-[0016]);

a shutter (not shown in drawings), the shutter being activated in response to signals from the processing unit (page 3, [0025])

a photosensitive region (ref. 1) for receiving an image when the shutter is activated, the image received by the photosensitive region being stored in the memory unit (page 3, [0025]);  
and

a display unit (ref. 19) for displaying images stored in the memory unit (page 2, [0015]-[0016]);

wherein the digital camera has a mode of operation in which the shutter is activated a preselected period of time in response to a user first input, the sequence of images being displayed on the display during the preselected period of time, the display being visible to image subjects. Please read pages 1-2, [0011]-[0016] and see drawings 1-6.

For **claim 2**, Usuha discloses the digital camera wherein the sequence of images provides a visual count-down for the activation of the shutter. Please read page 2, [0018] and see drawings 4(a)/(b).

For **claim 3**, Usuha discloses the digital camera wherein the sequence of images is applied periodically to the display. Please read page 2, [0018] and see drawings 4(a)/(b).

For **claim 5**, Usuha discloses the digital camera wherein the display is rotatable, the display being rotated to face the image subjects in the first mode of operation. Please read page 1-2, [0014] and see drawings 2.

For **claim 6**, Usuha teaches a method of acquiring an image with a digital camera (in the Example), the method comprising:

after a first user input signal, delaying activation of the shutter for a predetermined period of time (page 2, [0015]-[0016]); and

during the predetermined period of time, displaying a sequence of images to the subject images on the camera display (page 2, [0015]-[0016]). Also see drawing 3.

For **claim 7**, Usuha teaches the method wherein the sequence of signals provides a count-down for the activation of the digital camera shutter. Please read pages 2, [0018] and see drawings 4(a)/(b).

For **claim 9**, Usuha discloses a digital camera having an auto-exposure mode and a normal mode of operation, the digital camera (in drawing 1 and in the Example) comprising:

a processing unit(refs. 10-14), the processing unit including a memory unit (refs. 11-12), the memory unit storing a sequence of images (image data – page 2, [0015]-[0016]);

a shutter unit (not shown in drawings)responsive to signals from the processing unit for activation (page 3, [0025]);

a photo-sensitive region (ref. 1) for acquiring an image when the shutter is activated, an acquired image being stored in the memory unit (page 3, [0025]); and

a positionable display, the display displaying an acquired image in response to a user first input, the display displaying the sequence of images to image subjects prior to activation of the shutter after a preselected period of time in response to a user second input. Please read pages 1-2, [0014]-[0016] and see drawings 1-6.

For **claim 10**, Usuha discloses the digital camera as recited wherein the shutter is activated without delay in response to a user third input (page 3, [0025]).

For **claim 11**, Usuha discloses the digital camera wherein the sequence of images is displayed periodically. Please read page 2, [0018] and see drawings 4(a)/(b).

For **claim 12**, Usuha discloses the digital camera wherein the sequence of images permits the image subjects to anticipate the delayed activation of the shutter. Please read pages 1-2, [0014]-[0016] and see drawings 1-6.

For **claim 13**, Usuha discloses the digital camera wherein the sequence of images is a series of numbers. Please read page 2, [0018] and see drawings 4(a)/(b).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 4, 8, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Usuha (JP 07-333710 A; an English translation has been provided with the present Office Action; herein referred to as Usuha) in view of Inoue et al. (U.S. Pat. 6,853,403).

For **claim 4**, Usuha discloses the digital camera wherein the digital camera inherently has a normal mode of operation (Example, page 1, [0011]). Usuha teaches a key input section, 9 and a self-timer, 9a. The self-timer is actuated when for operating self-timer ability. The normal mode is when the self-timer is not actuated. However, Usuha does not expressly disclose the shutter being activated immediately in response to a user second input.

In a similar field of endeavor, Inoue discloses a digital camera with a normal mode of operation, the shutter being activated immediately in response to a user second input. Please see fig. 4, Steps #100/#110, #170 and read col. 5, lines 1-54. In light of the teaching of Inoue, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera of Usuha with the normal operation as claimed in claim 4 in order to provide a means for allowing a user to view a shot image in any mode of operation (Inoue, col. 1, lines 57-61).

For **claim 8**, Usuha discloses the method as recited wherein the digital camera includes a normal mode of operation (Example, page 1, [0011]). Usuha teaches a key input section, 9 and a self-timer, 9a. The self-timer is actuated when for operating self-timer ability. The normal mode is when the self-timer is not actuated. However, Usuha does not expressly disclose the shutter being activated without delay by a user input in the normal mode of operation.

In a similar field of endeavor, Inoue discloses a digital camera with a normal mode of operation, the shutter being activated without delay by a user input in the normal mode of operation. Please see fig. 4, Steps #100/#110, #170 and read col. 5, lines 1-54. In light of the teaching of Inoue, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera of Usuha with the normal operation as claimed in



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claim 8 in order to provide a means for allowing a user to view a shot image in any mode of operation (Inoue, col. 1, lines 57-61).

For **claim 14**, Usuha discloses the digital camera as recited in claim 10. However, Usuha does not expressly disclose further comprising a flash assembly wherein activation of them flash assembly is coordinated with activation of the shutter.

In a similar field of endeavor, Inoue discloses a digital camera further comprising a flash assembly (fig. 1, ref. 109) wherein activation of them flash assembly is inherently coordinated with activation of the shutter (col. 5, lines 44-59). In light of the teaching of Inoue, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera of Usuha with the flash assembly as claimed in claim 14 in order to provide a means for allowing a user to capture a quality image in places where the lighting is not appropriate (Inoue, col. 5; lines 44-59).

### *Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ  
October 17, 2007

  
NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER